

AMENDED IN SENATE JULY 8, 2015  
AMENDED IN ASSEMBLY MAY 26, 2015  
AMENDED IN ASSEMBLY MAY 5, 2015  
AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 306**

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**Introduced by Assembly Member Hadley**  
**(Coauthors: Assembly Members Baker and Burke)**  
(Coauthor: Senator Allen)

February 12, 2015

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An act to ~~add Article 7.5 (commencing with Section 48318) to Chapter 2 of Part 27 of Division 4 of Title 2~~ *amend Sections 48300 and 48301* of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 306, as amended, Hadley. Public schools: attendance alternatives: children of military personnel.

Existing law requires each person between 6 and 18 years of age, not otherwise exempt, to attend the public full-time day school in the district in which their parent or guardian is a resident. Existing law provides for attendance alternatives, authorizes the governing board of any school district to accept interdistrict transfers, and prescribes procedures for the acceptance and approval of applications for interdistrict transfers. Existing law further authorizes a school district of choice, as defined, to give priority of attendance to children of military personnel.

This bill would ~~authorize a parent of a pupil enrolled in a school district of residence, as defined, to submit an application for the pupil~~

to attend a school in another school district if the parent with whom the pupil resides is on active military duty, as defined. The bill would require that an application requesting such a transfer be submitted to the chosen school district before January 1 preceding the school year for which a pupil is requesting the transfer, except as provided, and would specify that the application may request enrollment of the pupil in a specific school or program within the school district. The bill would require a school district to establish a time period for resident pupil enrollment, in order to provide priority enrollment opportunities for pupils residing in the school district, and, after that time period has concluded, if space is available at a school in the school district, to consider and approve transfer applications submitted pursuant to those provisions, in accordance with specified priorities. The bill would require a school district that receives such an application for a transfer to allow the pupil to enroll in the school district in the school year immediately following the approval of his or her application. The bill would authorize a school district to adopt specific, written standards for the acceptance of applicants pursuant to those provisions. By imposing new duties on school districts with regard to the review and acceptance of requests for alternative school attendance by children of military personnel, the bill would impose a state-mandated local program. *prohibit a school district of residence from prohibiting the transfer of a pupil who is a child of an active military duty parent to a school in any school district, if the school district to which the parents of the pupil applies approves the application for transfer.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions:

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.  
State-mandated local program: ~~yes~~-no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 48300 of the Education Code is amended
- 2     to read:

1 48300. For purposes of this article, the following definitions  
2 apply:

3 (a) “Active military duty” means full-time military duty status  
4 in the active uniformed service of the United States, including  
5 members of the National Guard and the State Reserve on active  
6 duty orders pursuant to Sections 1209 and 1211 of the Title 10 of  
7 the United States Code.

8 (b) “Parent” means the natural or adoptive parent or guardian  
9 of a dependent child.

10 ~~(a)~~  
11 (c) “School district of choice” means a school district for which  
12 a resolution is in effect as described in subdivision (a) of Section  
13 48301.

14 ~~(b)~~  
15 (d) “School district of residence” means the school district that  
16 a pupil would be directed by this chapter to attend, except as  
17 otherwise provided by this article.

18 SEC. 2. Section 48301 of the Education Code is amended to  
19 read:

20 48301. (a) The governing board of any school district may  
21 accept interdistrict transfers. A school district that receives an  
22 application for attendance under this article is not required to admit  
23 pupils to its schools. If, however, the governing board of a school  
24 district elects to accept transfers as authorized under this article,  
25 it may, by resolution, elect to accept transfer pupils, determine and  
26 adopt the number of transfers it is willing to accept under this  
27 article, and ensure that pupils admitted under the policy are selected  
28 through a random, unbiased process that prohibits an evaluation  
29 of whether or not the pupil should be enrolled based upon his or  
30 her academic or athletic performance. Any pupil accepted for  
31 transfer shall be deemed to have fulfilled the requirements of  
32 Section 48204. If the number of transfer applications exceeds the  
33 number of transfers the governing board of a school district elects  
34 to accept under this article, approval for transfer pursuant to this  
35 article shall be determined by a random drawing held in public at  
36 a regularly scheduled meeting of the governing board of the school  
37 district.

38 (b) Either the pupil’s school district of residence, upon  
39 notification of the pupil’s acceptance to the school district of choice  
40 pursuant to subdivision (c) of Section 48308, or the school district

1 of choice may prohibit the transfer of a pupil under this article or  
2 limit the number of pupils so transferred if the governing board of  
3 the *school* district determines that the transfer would negatively  
4 impact any of the following:

5 (1) The court-ordered desegregation plan of the *school* district.

6 (2) The voluntary desegregation plan of the *school* district.

7 (3) The racial and ethnic balance of the *school* district.

8 (c) The school district of residence may not adopt policies that  
9 in any way block or discourage pupils from applying for transfer  
10 to another *school* district.

11 (d) Communications to parents or guardians by *school* districts  
12 electing to enroll pupils under the choice options provided by this  
13 article shall be factually accurate and not target individual parents  
14 or guardians or residential neighborhoods on the basis of a child's  
15 actual or perceived academic or athletic performance or any other  
16 personal characteristic.

17 (e) A school district of choice, at its expense, shall ensure that  
18 the auditor who conducts the annual audit pursuant to Section  
19 41020, at the same time that he or she is conducting that annual  
20 audit, reviews compliance with the provisions in this section  
21 regarding a random, unbiased selection process and appropriate  
22 communications. The compliance review specified in this  
23 subdivision is not subject to the requirements in subdivision (d)  
24 of Section 41020. The school district of choice shall notify the  
25 auditor regarding this compliance review specified in this  
26 subdivision ~~prior to~~ *before* the commencement of the annual audit.  
27 The governing board of the school district of choice shall include  
28 a summary of audit exceptions, if any, resulting from the  
29 compliance review conducted pursuant to this subdivision in the  
30 report it provides pursuant to subdivision (b) of Section 48313.

31 (f) *A school district of residence shall not prohibit the transfer*  
32 *of a pupil who is a child of an active military duty parent to a*  
33 *school in any school district, if the school district to which the*  
34 *parent of the pupil applies approves the application for transfer.*

35 ~~SECTION 1. Article 7.5 (commencing with Section 48318) is~~  
36 ~~added to Chapter 2 of Part 27 of Division 4 of Title 2 of the~~  
37 ~~Education Code, to read:~~

Article 7.5. ~~Attendance Alternatives for Children of~~  
~~Military Personnel~~

48318. ~~For purposes of this article, the following definitions~~  
~~apply:~~

(a) ~~“Active military duty” means full-time military duty status~~  
~~in the active uniformed service of the United States, including~~  
~~members of the National Guard and the State Reserve on active~~  
~~duty orders pursuant to Sections 1209 and 1211 of Title 10 of the~~  
~~United States Code.~~

(b) ~~“Parent” means the natural or adoptive parent or guardian~~  
~~of a dependent child.~~

(c) ~~Military family school district of choice” means a school~~  
~~district for which an application for enrollment has been submitted~~  
~~by the parent of a pupil requesting enrollment pursuant to Section~~  
~~48318.1. A military family school district of choice may include~~  
~~a school district in which the parent of a pupil resides or a school~~  
~~district other than the school district in which the parent of a pupil~~  
~~resides.~~

(d) ~~“School district of residence” means the school district that~~  
~~a pupil would be directed to attend, pursuant to this chapter, in the~~  
~~absence of this article.~~

48318.1. (a) ~~A parent of a pupil enrolled in a school district~~  
~~of residence may submit an application for the pupil to attend a~~  
~~school in any school district, if the parent with whom the pupil~~  
~~resides is on active military duty.~~

(b) ~~An application requesting a transfer pursuant to this article~~  
~~shall be submitted by the parent of a pupil to the military family~~  
~~school district of choice before January 1 preceding the school~~  
~~year for which the pupil is requesting the transfer. However, this~~  
~~deadline does not apply to an application requesting a transfer if~~  
~~the parent with whom the pupil resides was relocated by the~~  
~~military within 90 days before submitting the application. The~~  
~~military family school district of choice may waive the deadline~~  
~~specified in this subdivision.~~

(c) ~~The application may request enrollment of the pupil in a~~  
~~specific school or program within the military family school district~~  
~~of choice.~~

1     ~~(d) A pupil may enroll in the military family school district of~~  
2 ~~choice in the school year immediately following the approval of~~  
3 ~~his or her application.~~

4     ~~(e) In order to provide priority enrollment opportunities for~~  
5 ~~pupils residing in a military family school district of choice, a~~  
6 ~~school district shall establish a period of time for resident pupil~~  
7 ~~enrollment before considering transfer applications pursuant to~~  
8 ~~this article. After the period of time for resident pupil enrollment~~  
9 ~~has concluded, if space is available at a school in the desired~~  
10 ~~military family school district of choice, that school district shall~~  
11 ~~accept and approve a transfer application submitted pursuant to~~  
12 ~~this article, in accordance with the following priorities:~~

13     ~~(1) First priority for transfer shall be given to the siblings of~~  
14 ~~pupils who already attend the desired school.~~

15     ~~(2) After approving the applications for enrollment for siblings~~  
16 ~~of pupils pursuant to the priority specified in paragraph (1), if the~~  
17 ~~number of pupils who request a particular school exceeds the~~  
18 ~~number of spaces at that school, a lottery shall be conducted to~~  
19 ~~select pupils at random until all of the available spaces are filled.~~

20     ~~48318.2. A military family school district of choice may adopt~~  
21 ~~specific, written standards for acceptance of applicants pursuant~~  
22 ~~to this article. The standards may include consideration of the~~  
23 ~~capacity of a program, class, grade level, school facilities, and~~  
24 ~~adverse financial impacts. However, these standards may not~~  
25 ~~include consideration of a pupil's previous academic achievement,~~  
26 ~~physical condition, proficiency in the English language, family~~  
27 ~~income, or any of the individual characteristics set forth in Section~~  
28 ~~200.~~

29     ~~SEC. 2. If the Commission on State Mandates determines that~~  
30 ~~this act contains costs mandated by the state, reimbursement to~~  
31 ~~local agencies and school districts for those costs shall be made~~  
32 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
33 ~~4 of Title 2 of the Government Code.~~